

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Private Aided Degree Colleges – Implementation of orders of Hon'ble High Court dated:11-08-2010 in W.P.No.18253/2000 filed by Sri S. Rammesh Babu, Physical Director, Noble College, Machilipatnam, Krishna District for regularization of his services – Orders – Issued.

HIGHER EDUCATION (CE) DEPARTMENT

G.O.MS.No. 58

Dated:20-12-2014
Read the following:-

- 1) From Hon'ble High Court orders dt.11-08-2010 in W.P.No.18253/2000.
- 2) G.O.Rt.No.16, Higher Education(CE.II-1)Dept., dt.13-01-2012.
- 3) From the CCE, A.P., Hyd. Lr.No.2302/Admn.VI-1/2000, dt.26-08-2013.
- 4) From the CCE, A.P., Hyd. Lr.No.2302/Admn.VI-1/2000, dt.28-02-2014.
- 5) Hon'ble Supreme Court of India orders dt.08-05-2014 in SLP(C) Nos.5297-5299/2014.
- 6) From the CCE, A.P., Hyd. Lr.No.2302/Admn.VI-1/2000, dt.31-05-2014.
- 7) From Hon'ble High Court orders dt.19-11-2014 in C.C.No.57/2011.
- 8) From the CCE, A.P., Hyd. Lr.No.2302/Admn.VI-1/2000, dt.10-12-2014.

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ORDER:

Sri S. Ramesh Babu, Physical Director, Noble College, Machilipatnam, Krishna District has filed W.P.No.18253/2000 before the Hon'ble High Court of A.P., Hyderabad for regularization of his services from the date of joining i.e. 01-02-1994. The Hon'ble High Court while allowing the W.P., in its order dt.11-08-2010 in W.P.No.18253 of 2000 among other things held that:

“The learned Government Pleader produced two letters bearing Lr.Rc.No.1985/PC.4-1/96, dated 18-09-1999 and Lr.Rc.No.2302/Admn. VI-1/2000 dated 18-6-2001 to show that even as on 31-01-1994, two vacancies of Physical Director were available.

In view of the fact that appointment of D.Charles, who was working in the very same college and whose initial appointment was also not in accordance with the selection process, as required under the law, was ratified and his services were regularized from the date of his initial appointment. Thus, the petitioner is also entitled for the same treatment. Therefore, the impugned order passed on 5-01-05 approving the appointment of the petitioner as Physical Director as against the second vacant aided post with prospective effect is illegal and arbitrary when the post was available as on 31-01-1994 and it was upgraded with retrospective effect from 16-11-1984, and therefore, the petitioner is also entitled to regularization of his services from the date of his initial appointment on 31-01-1994”.

2. After careful examination of the matter, in the G.O.2nd read above, the Government have accorded permission to the Director of Collegiate Education, A.P., Hyderabad to implement the orders of the Hon'ble High Court dated: 11-08-2010 in W.P.No.18253 of 2000 filed by Sri S. Ramesh Babu, Physical Director, Noble College, Machilipatnam, Krishna District for regularization of his services with effect from 07-10-1997 i.e., the date on which the aided post fell vacant, subject to the out come of the Writ Appeal to be filed in the matter.

3. Sri S.Ramesh Babu, Physical Director, Noble College, Machilipatnam has filed Contempt Case No.57/2011 for not complying with the orders dt.11.8.2010 of the Hon'ble High Court in W.P.No.18253 of 2000.

(PTO)

4. The Commissioner of Collegiate Education, A.P., Hyderabad has filed W.A(SR)No.63100/2012 against the orders of Hon'ble High Court dt.11-08-2010 in W.P.No.18253 of 2000. The Hon'ble High Court in its order dt.28-06-2013 have rejected the Writ Appeal in W.P.No.18253 of 2000. The Hon'ble High Court, in its orders dt.03-10-2013, have also rejected the Review Petition in W.A.M.P.No.2825/2013 in W.A.SR.No.63100/2012 against the orders of Hon'ble High Court dt.11-08-2010 in W.P.No.18253 of 2000.

5. The Commissioner of Collegiate Education, A.P., Hyderabad has filed two SLP(C)Nos. 5297 – 5299/2014 before the Supreme Court of India against the orders of Hon'ble High Court dated:11-08-2010 in W.P.No.18253 of 2000 and dated:03-10-2013 in W.A.M.P. No.2825/2013 in W.A.SR.No.63100/2012 on the instructions of the Government.

6. The Hon'ble Supreme Court of India, in its order dt.08-05-2014 in two SLP(C)Nos. 5297 – 5299/2014 have ordered as follows:

“No proper explanation has been given out by the petitioners to condone the delay of 166 days in filing the SLPs. The application for condonation of delay is accordingly dismissed.

Even no merits, no ground for interference is made out in exercise of our jurisdiction under Article 136 of the Constitution of India.

The SLPs are accordingly dismissed on the ground and also on merits”.

7. Keeping in view the dismissal of SLP(C) Nos.5297-5299/2014, the Commissioner of Collegiate Education, A.P., Hyderabad, has requested the Government to issue necessary orders on implementation of orders of the Hon'ble High Court dt.11-08-2010 in W.P.No.18253/2000.

8. The Hon'be High Court, in its orders dt.19-11-2014 in C.C.No.57/2011 has ordered personal appearance of respondents on 22-12-2014 at 10-30 A.M. for non-implementation of orders of Hon'ble High Court dt.11-08-2010 in W.P.No.18253/2000.

9 After careful examination of the entire matter, the Government hereby order to implement the orders of Hon'ble High Court dt.11-08-2010 in W.P.No.18253/2000 and regularize the services of Sri S.Ramesh Babu, Physical Director, Noble College, Machilipatnam, Krishna District from the date of his initial appointment on 31-01-1994 and the benefit notionally shall be given from 31-01-1994 to 5-4-1995 and the monetary benefit shall be given from 6-4-1995 as per G.O.Ms.No.136, Education Department, dt.6-4-1995 read with G.O.Ms.No.126, Education (CO.HF)Department, dt.16-05-1996, as a special case and this should not be quoted as a precedent.

10. The Commissioner of Collegiate Education, A.P., Hyderabad shall take further necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**NILAM SAWHNEY,
PRINCIPAL SECRETARY TO GOVERNMENT(FAC)**

To

The Commissioner of Collegiate Education A.P., Hyderabad.

The Individual concerned.

(Through : The Commissioner of Collegiate Education, A.P., Hyderabad)

The Govt.Pleader for Higher Education,

High Court Buildings, Hyderabad /SC/Sf.

// FORWARDED :: BY ORDER //

SECTION OFFICER